

**IDAHO REAL ESTATE COMMISSION  
MEETING MINUTES**  
February 16, 2006

Pursuant to notice given, the February meeting of the Idaho Real Estate Commission (Commission) was held in the Commission office at 633 N. Fourth Street, Boise, Idaho, on February 16, 2006, at 8:30 a.m.

**Members Present:**

Ron Clawson, Chair, Idaho Falls  
Pam Trees, Vice Chair, Lewiston  
Andy Enrico, Member, Boise  
*Comprising a quorum of the Commission.*

**Members Absent:**

Steve Kohntopp, Member, Twin Falls

**Staff Present:**

Donna M. Jones, Executive Director  
Jennifer Bonilla, Admin. Asst.

**Staff Present for a portion of the Meeting:**

Charlie Hendrix, Fiscal Supervisor  
Terry Ruetters, Enforcement Chief  
Neal Bernklau, License Supervisor  
Karen Seay, Education Director  
Rebecca deDomingo, Licensing

**Licensees Present for CE Credit**

Jennifer Fretwell, Meridian

**Others Present:**

Kim Coster, Commission Counsel  
Alex LaBeau, IAR® CEO, Boise  
Mike Johnston, IAR® 2006 President  
Eric Boyington, Boise  
Chuck Byers, Pioneer Real Estate School, Boise

**Call to Order:** The meeting of the Commission was called to order by Chair Clawson at 8:45 a.m., Thursday, February 16, 2006.

**Approval of Agenda:** A motion was made by Mr. Enrico, seconded by Ms. Trees, to approve the agenda of the February 16, 2006 meeting. Motion carried.

**Approval of Meeting Minutes:** A motion was made by Ms. Trees, seconded by Mr. Enrico, to approve the January 19, 2006, meeting minutes, as written. Motion carried.

**Salesperson and Broker Licenses Issued:** Members reviewed the salesperson and broker licenses issued for the month of January 2006; a copy of which has been made part of these minutes. A motion was made by Mr. Enrico, and seconded by Ms. Trees, to ratify the salesperson and broker licenses issued for the month of January 2006. Motion carried.

**Financial Reports:** Ms. Hendrix joined the meeting and presented the January 2006 Financial Reports to Commission members for their review; copies of which are on file at the Commission office.

After review and discussion, a motion was made by Ms. Trees, and seconded by Mr. Enrico, to approve the January 2006, Financial Reports. Motion carried.

**Estimated travel expenses for quarterly district Commission meetings:** a motion was made by Mr. Enrico, seconded by Ms. Trees, to table this idea until the March Commission meeting. Motion carried.

**Executive Director's Report:**

**Office Operations Report:**

- Legislative update- Senate Bill 1360, Commission housekeeping bill has been introduced by the Senate Commerce Committee and today is on the Senate Second Reading calendar. Senator John Geddes is floor sponsor.
- Permission was requested to take staff to the ARELLO Annual meeting in San Antonio, Texas rather than the ARELLO Mid-Year Meeting in Florida.
- The 3% Change in Employee Compensation (CEC) has been signed into law and will be distributed in the February 24, 2006 paychecks.
- The Building Lease/Purchase requests from the Commission has been presented to the landlord, he is to get estimates and report back in March.
- Access Idaho project states they have no resources to work on IREC's request for at least six (6) months.

**Idaho Association of Realtors® Report:** Mr. Alex LaBeau, IAR® CEO, and Mr. Mike Johnston, IAR® 2006 President, were welcomed to the meeting.

- Mr. Johnston reported that Education is still a key topic and the association continues to explore potential vehicle to get more education offerings for their members
- The association re-stated their support of the Commission Housekeeping bill.
- Brokerage Services: Mr. Johnston reported the Association was surprised and disappointed with the Commission's decision to revise the bill at the last meeting, especially given the hard work that went into the bill. IAR had felt confident the Commission would proceed with the bill in the form agreed to in July, and its members are now questioning leadership and holding it accountable. Mr. Johnston requested the Commissioners explain their decision to help him answer his members' questions. Commission members offered the following:
  - Members acknowledged the time and hard work that went into the bill
  - Concerns arose subsequent to the drafting of the bill, when members received additional information from other states and from the ARELLO meeting; these concerns and information were provided to IAR throughout this period.
  - Although initially concerned about possible anti-trust litigation, the more serious concern was the bill's elimination of consumer choice.
  - The bill was not drafted to resolve agency issues, but to provide services believed to be to consumers;
  - Members stood by their decision not to proceed with the original bill, even though the late date may be troublesome, as the right decision given their information.

Members and the IAR agreed to further study the issue, together, and to compose an appropriate committee to do so.

- Mr. LaBeau gave a general legislative update, speaking to various issues, including the property tax bills, sales tax on services, and the general atmosphere in the Statehouse.

**Licensure:**

Mr. Bernklau and Ms. deDomingo were welcomed to the meeting.

**Licensee Status Reports:** Members reviewed the licensee status reports; copies of which are on file at the Commission office:

- FY05-FY06 Analysis of Active & Inactive License Base
- On-Line Renewal Reports: bar format is preferred to the line

**Executive Session:** In accordance with section 67-2345 (1) (d) & (f), Idaho Code, a motion was made by Ms. Trees, seconded by Mr. Enrico, to adjourn to executive session to review special request licensure files. Motion carried.

**Regular Session:** There being no further purpose for an executive session, a motion was made by Ms. Trees, seconded by Mr. Enrico, to adjourn the executive session. Motion carried.

### **Special Considerations:**

**Special Consideration #06-007: Request to Waive 54-2012(1) (f), Felony Exemption.** Following discussion and review of the documents submitted, a motion was made by Ms. Trees, seconded by Mr. Enrico, to deny the request for felony exemption. Motion carried.

**Special Consideration #06-008: Request to Waive 54-2012(2) (a), Broker Experience.** Following discussion and review of the documents submitted, a motion was made by Ms. Trees, seconded by Mr. Enrico, to grant the request for special consideration. Motion carried.

**Special Consideration #06-009: Appeal-Denied 06-006: Request to Waive 54-2012(2) (a), Broker Experience.** Following a personal appearance, discussion, and review of the documents submitted, a motion was made by Ms. Trees, seconded by Mr. Enrico, to deny the request for special consideration with a note to reflect on the lack of general sales experience. Motion carried.

**Education and Examination:** Ms. Seay was welcomed to the meeting and presented the following reports; copies of which are on file at the Commission office:

- **Education Council Update-** Task force did not meet yesterday. Draft from BSU in response to comments from survey-more training in forms and contracts, relevance, commercial sales, and more classes on law and ethics. Compiled survey results from BSU next week.
- Council moved to recommend to the Commission revisions to the Instructor Guidelines. Members discussed the recommended changes. A motion was made by Mr. Enrico, seconded by Ms. Trees, to accept the Council's recommended changes to the Instructor Guidelines with a correction to item number 4. Motion carried. A suggestion was made to change the Council meeting from mornings to afternoons for meeting months when the Education Task Force does not meet.
- **Instructor Development Workshop-** Ms. Seay presented Members with copies of the flyer to be sent out.
- **New Policy and Procedure-** Ms. Seay presented a new policy and procedure for performing an audit of an Education provider's records
- **License Examination Statistics-**

### **Commission's Counsel Report:**

- Ms. Coster reported on the recent federal court decision in Bafus v. Aspen Realty, et al., the pending anti-trust ("tying arrangement") lawsuit against four Boise real estate brokerages. The crux of the claims alleges the brokerage "wrongly charged the [buy-



ers] a commission for the purchase of an undeveloped lot based not only on the price of the lot, but also on the price of the house which the buyer ultimately built." The lawsuit states that this "tying arrangement" violated the Sherman Anti-Trust Act, the Idaho Competition Act (ICPA), RESPA, and the Idaho Consumer Protection Act. The defendants moved to dismiss the claims, and on 2/8/06, the Court issued an order that:

- Recognized the buyers' alleged "tying arrangement" to constitute a per se violations of the Sherman Anti-trust Act, and Idaho Competition Act;
  - Dismissed the "monopolization" claims;
  - Dismissed the RESPA ICPA claims as time-barred (statute of limitations had run).
- The court also split this case into 4 cases, each against a separate defendant/brokerage. The court has yet to decide whether any of these claims will proceed as "class actions".

**Enforcement:** Mr. Ruettgers was welcomed to the meeting.

**Case of Staff vs. John A. Beutler (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by John A. Beutler and that the "Final Order" for disciplinary actions against Mr. Beutler be as follows:

- 1) That John A. Beutler shall be issued a formal reprimand.
- 2) That John A. Beutler pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by March 23, 2006.
- 3) That John A. Beutler successfully complete a live Agency Course and Business Conduct and Office Operations Course by August 23, 2006.
- 4) That John A. Beutler pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed Three Hundred Dollars (\$300.00) by March 23, 2006.
- 5) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

**Case of Staff vs. Chad E. Oakland (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Chad E. Oakland and that the "Final Order" for disciplinary actions against Mr. Oakland be as follows:

- 1) That Chad E. Oakland shall be issued a formal reprimand.



- 2) That Chad E. Oakland pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by March 23, 2006.
- 3) That Chad E. Oakland successfully complete a live Agency Course and Business Conduct and Office Operations Course by August 23, 2006.
- 4) That Chad E. Oakland pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed Three Hundred Dollars (\$300.00) by March 23, 2006.
- 5) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

**Case of Staff vs. Scott E. Zimmerman (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Ms. Trees, to accept without exception, the Stipulation which had been agreed to by Scott E. Zimmerman and that the "Final Order" for disciplinary actions against Mr. Zimmerman be as follows:

- 1) That Scott E. Zimmerman shall be issued a formal reprimand.
- 2) That Scott E. Zimmerman's salesperson's license shall be suspended for a period of twenty-four (24) months, beginning on March 1, 2006; however (18) months shall be suspended provided Mr. Zimmerman complies with the terms of the Final Order and violates no other license law. Mr. Zimmerman's license shall only be reinstated upon his written request and provided that he has fully complied with the Final Order; has paid in full all fees and fines assessed; and has successfully completed the courses required by the Final Order.
- 3) That Scott E. Zimmerman pay a civil fine in the amount Three Thousand Five Hundred Dollars (\$3,500.00) in twelve monthly payments of not less than Two Hundred Ninety-One and 67/100 Dollars (\$291.67) beginning March 1, 2006, and each month thereafter until paid in full.
- 4) That Scott E. Zimmerman successfully complete a live Real Estate Law Course and live Mod II Pre-Licensing Course prior to his license being reinstated.
- 5) That Scott E. Zimmerman pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter not to exceed Three Hundred Dollars (\$300.00) by March 23, 2006.
- 6) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

**Case of Staff vs. M. Shaun Tracy (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by M. Shaun Tracy and that the "Final Order" for disciplinary actions against Mr. Tracy be as follows:

- 1) That M. Shaun Tracy shall be issued a formal reprimand.
- 2) That M. Shaun Tracy pay a civil fine in the amount Three Thousand Five Hundred Dollars (\$3,500.00) by March 23, 2006.
- 3) That M. Shaun Tracy successfully complete a live Brokerage Management Course by August 23, 2006.
- 4) That M. Shaun Tracy pay the costs and attorney's fees, incurred in the investigation/prosecution of this matter not to exceed Three Hundred Dollars (\$300.00) by March 23, 2006.
- 5) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Todd P. Conklin (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Todd P. Conklin and that the "Final Order" for disciplinary actions against Mr. Conklin be as follows:

- 1) That Todd P. Conklin shall be issued a formal reprimand.
- 2) That Todd P. Conklin pay a civil fine in the amount of One Thousand Five Hundred Dollars (\$1,500.00) by March 23, 2006.
- 3) That Todd P. Conklin successfully complete a Risk Management Course by August 23, 2006.
- 4) That Todd P. Conklin pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed Three Hundred Dollars (\$300.00) by March 23, 2006.
- 5) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission deter-

mines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

**Case of Staff vs. Fred Anthony "Tony" Hickey (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Ms. Trees, to accept without exception, the Stipulation which had been agreed to by Fred Anthony "Tony" Hickey and that the "Final Order" for disciplinary actions against Mr. Hickey be as follows:

- 1) That Fred Anthony "Tony" Hickey shall be issued a formal reprimand.
- 2) That Fred Anthony "Tony" Hickey pay a civil fine in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) by March 23, 2006.
- 3) That Fred Anthony "Tony" Hickey successfully complete a Risk Management Course by August 23, 2006.
- 4) That Fred Anthony "Tony" Hickey pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed Three Hundred Dollars (\$300.00) by March 23, 2006.
- 5) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

**Case of Staff vs. Danny M. Hebdon (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Mr. Enrico, seconded by Ms. Trees, to accept without exception, the Stipulation which had been agreed to by Danny M. Hebdon and that the "Final Order" for disciplinary actions against Mr. Hebdon be as follows:

- 1) That Danny M. Hebdon shall be issued a formal reprimand.
- 2) That Danny M. Hebdon pay a civil fine in the amount of Three Thousand Three Hundred Thirty-seven and 97/100 Dollars (\$3337.97) by March 23, 2006.
- 3) That Danny M. Hebdon successfully complete a live Real Estate Finance Course and a live Business Conduct and Office Operations Course by August 23, 2006.
- 4) That Danny M. Hebdon pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed Three Hundred Dollars (\$300.00) by March 23, 2006.
- 5) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license



and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

**Case of Staff vs. Andrew Knowles (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Andrew Knowles and that the "Final Order" for disciplinary actions against Mr. Knowles be as follows:

- 1) That Andrew Knowles shall be issued a formal reprimand.
- 2) That Andrew Knowles pay a civil fine in the amount of One Thousand Dollars (\$1,000.00) by March 23, 2006.
- 3) That Andrew Knowles pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

**Case of Staff vs. Karen L. Lewis (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Karen L. Lewis and that the "Final Order" for disciplinary actions against Ms. Lewis be as follows:

- 1) That Karen L. Lewis shall be issued a formal reprimand.
- 2) That Karen L. Lewis pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by March 23, 2006.
- 3) That Karen L. Lewis pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

**Case of Staff vs. Christopher J. Philp (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Christopher J. Philp and that the "Final Order" for disciplinary actions against Mr. Philp be as follows:

- 1) That Christopher J. Philp shall be issued a formal reprimand.
- 2) That Christopher J. Philp pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by March 23, 2006.
- 3) That Christopher J. Philp pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Andrea M. Hansen (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Andrea M. Hansen and that the "Final Order" for disciplinary actions against Ms. Hansen be as follows:

- 1) That Andrea M. Hansen shall be issued a formal reprimand.
- 2) That Andrea M. Hansen pay a civil fine in the amount of Seven Hundred Fifty Dollars (\$750.00) by March 23, 2006.
- 3) That Andrea M. Hansen pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Eric J. Straubhar (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Eric J. Straubhar and that the "Final Order" for disciplinary actions against Mr. Straubhar be as follows:

- 1) That Eric J. Straubhar shall be issued a formal reprimand.
- 2) That Eric J. Straubhar pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by March 23, 2006.
- 3) That Eric J. Straubhar pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Shawen M. Smith (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Shawen M. Smith and that the "Final Order" for disciplinary actions against Mr. Smith be as follows:

- 1) That Shawen M. Smith shall be issued a formal reprimand.
- 2) That Shawen M. Smith pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by March 23, 2006.
- 3) That Shawen M. Smith pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Jon E. Dobson (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Jon E. Dobson and that the "Final Order" for disciplinary actions against Mr. Dobson be as follows:

- 1) That Jon E. Dobson shall be issued a formal reprimand.
- 2) That Jon E. Dobson pay a civil fine in the amount of Seven Hundred Fifty Dollars (\$750.00) by March 23, 2006.



3) That Jon E. Dobson pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Kristine E. Headrick (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Kristine E. Headrick and that the "Final Order" for disciplinary actions against Ms. Headrick be as follows:

1) That Kristine E. Headrick shall be issued a formal reprimand.

2) That Kristine E. Headrick pay a civil fine in the amount of Seven Hundred Fifty Dollars (\$750.00) by March 23, 2006.

3) That Kristine E. Headrick pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Thomas B. Renk (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Thomas B. Renk and that the "Final Order" for disciplinary actions against Mr. Renk be as follows:

1) That Thomas B. Renk shall be issued a formal reprimand.

2) That Thomas B. Renk pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by March 23, 2006.

3) That Thomas B. Renk pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Johnnie Sue Reid (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Johnnie Sue Reid and that the "Final Order" for disciplinary actions against Ms. Reid be as follows:

- 1) That Johnnie Sue Reid shall be issued a formal reprimand.
- 2) That Johnnie Sue Reid pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by March 23, 2006.
- 3) That Johnnie Sue Reid pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Carolyn L. Otter (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Carolyn L. Otter and that the "Final Order" for disciplinary actions against Mr. Otter be as follows:

- 1) That Carolyn L. Otter shall be issued a formal reprimand.
- 2) That Carolyn L. Otter pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by March 23, 2006.
- 3) That Carolyn L. Otter pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Denise D. Thiry (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Denise D. Thiry and that the "Final Order" for disciplinary actions against Ms. Thiry be as follows:

- 1) That Denise D. Thiry shall be issued a formal reprimand.
- 2) That Denise D. Thiry pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by March 23, 2006.
- 3) That Denise D. Thiry pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Wilbur "Will" C. Anderson (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Wilbur "Will" C. Anderson and that the "Final Order" for disciplinary actions against Mr. Anderson be as follows:

- 1) That Wilbur "Will" C. Anderson shall be issued a formal reprimand.
- 2) That Wilbur "Will" C. Anderson pay a civil fine in the amount of One Thousand Dollars (\$1,000.00) by March 23, 2006.
- 3) That Wilbur "Will" C. Anderson pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 12, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Shannon M. Inman (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the



Stipulation which had been agreed to by Shannon M. Inman and that the "Final Order" for disciplinary actions against Ms. Inman be as follows:

- 1) That Shannon M. Inman shall be issued a formal reprimand.
- 2) That Shannon M. Inman pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by March 23, 2006.
- 3) That Shannon M. Inman pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Rebecca J. Fuller (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Rebecca J. Fuller and that the "Final Order" for disciplinary actions against Ms. Fuller be as follows:

- 1) That Rebecca J. Fuller shall be issued a formal reprimand.
- 2) That Rebecca J. Fuller pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by March 23, 2006.
- 3) That Rebecca J. Fuller pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.
- 4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. John T. Bishop (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by John T. Bishop and that the "Final Order" for disciplinary actions against Mr. Bishop be as follows:

- 1) That John T. Bishop shall be issued a formal reprimand.

2) That John T. Bishop pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by March 23, 2006.

3) That John T. Bishop pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. D'Arce A. Rotta (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by D'Arce A. Rotta and that the "Final Order" for disciplinary actions against Ms. Rotta be as follows:

1) That D'Arce A. Rotta shall be issued a formal reprimand.

2) That D'Arce A. Rotta pay a civil fine in the amount of Five Hundred Dollars (\$500.00) by March 23, 2006.

3) That D'Arce A. Rotta pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Patrick D. Whelan (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Patrick D. Whelan and that the "Final Order" for disciplinary actions against Mr. Whelan be as follows:

1) That Patrick D. Whelan shall be issued a formal reprimand.

2) That Patrick D. Whelan pay a civil fine in the amount of One Thousand Dollars (\$1,000.00) by March 23, 2006.

3) That Patrick D. Whelan pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

**Case of Staff vs. Mervin C. Hanover (Ex-Parte)** In consideration of the facts and evidence presented, a motion was made by Ms. Trees, seconded by Mr. Enrico, to accept without exception, the Stipulation which had been agreed to by Mervin C. Hanover and that the "Final Order" for disciplinary actions against Mr. Hanover be as follows:

1) That Mervin C. Hanover shall be issued a formal reprimand.

2) That Mervin C. Hanover pay a civil fine in the amount of Seven Hundred Fifty Dollars (\$750.00) by March 23, 2006.

3) That Mervin C. Hanover pay the cost and attorney's fees incurred in the investigation/prosecution of this matter not to exceed One Hundred Twenty-Five Dollars (\$125.00) by March 23, 2006.

4) That the Commission shall be entitled, without further action otherwise required by Idaho Code Section 54-2058, to impose additional discipline to suspend Respondent's license and/or impose additional fines, costs or attorneys fees in the event the Commission determines, following notice and hearing before the Commission, that Respondent has failed to timely comply with the Commission's Order entered pursuant to this Stipulation.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes

Mr. Ruettgers provided the following reports for members' review; copies of which are on file at the Commission office.

- **Complaint Summary Report-** CE disciplinary actions are slowing down; collected \$105,000 in civil fines in 7 months and legal expenses of \$18,000. Phil Burch of HUD will be offering a continuing education program with IHFA updates for real estate agents on June 20, 2006; problem with kickbacks.

**Executive Session:** In accordance with section 67-2345(1) (d) and (f), Idaho Code, a motion was made by Ms. Trees, seconded by Mr. Enrico, to adjourn to executive session to review investigative files. Motion carried.

**Regular Session:** There being no further purpose for an executive session, a motion was made by Ms. Trees, seconded by Mr. Enrico, to adjourn the executive session. Motion carried.

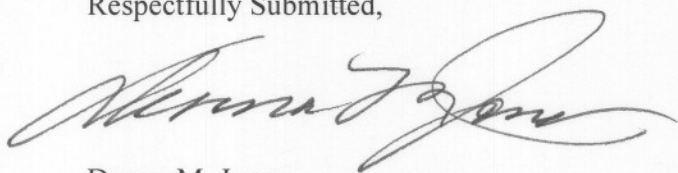


**Probable Cause Memo #05-32300, 05-32301, 05-32302:** A motion was made by Ms. Trees, seconded by Mr. Enrico, that the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058 (1), was reviewed and the facts are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

**Online License Renewal Lottery Drawing:** Mary Eileen Wells, SP26973, a salesperson for John L. Scott in Boise is the January 2006 online license renewal lottery winner.

There being no further business, Chair Clawson adjourned the meeting at 1:00 p.m.

Respectfully Submitted,



Donna M. Jones  
Executive Director

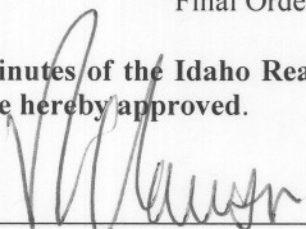
Dmj: jdb

Attachments: Licenses Issued January 2006  
Financial Reports  
FY05-FY06 License Base Analysis  
Online License Renewal Reports  
Complaint Summary Report

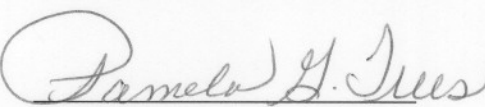
"Final Order" – John A. Beutler  
"Final Order" – Chad E. Oakland  
"Final Order" – Scott E. Zimmerman  
"Final Order" – M. Shaun Tracy  
"Final Order" – Todd P. Conklin  
"Final Order" – Fred Anthony "Tony" Hickey  
"Final Order" – Danny M. Hebdon  
"Final Order" – Andrew Knowles  
"Final Order" – Karen L. Lewis  
"Final Order" – Christopher J. Philp  
"Final Order" – Andrea M. Hansen  
"Final Order" – Eric J. Straubhar  
"Final Order" – Shawen M. Smith  
"Final Order" – Jon E. Dobson  
"Final Order" – Kristine E. Headrick  
"Final Order" – Thomas B. Renk  
"Final Order" – Johnnie Sue Reid

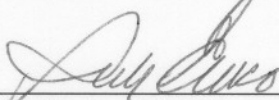
"Final Order" – Carolyn L. Otter  
"Final Order" – Denise D. Thiry  
"Final Order" – Wilbur "Will" C. Anderson  
"Final Order" – Shannon M. Inman  
"Final Order" – Rebecca J. Fuller  
"Final Order" – John T. Bishop  
"Final Order" – D'Arce A. Rotta  
"Final Order" – Patrick D. Whelan  
"Final Order" – Mervin C. Hanover

**Minutes of the Idaho Real Estate Commission meeting in Boise, Idaho on February 16, 2006,  
are hereby approved.**

  
\_\_\_\_\_  
Ron Clawson, Chair

*Absent*  
\_\_\_\_\_  
Steve Kohntopp, Member

  
\_\_\_\_\_  
Pamela G. Trees, Vice Chair

  
\_\_\_\_\_  
Ardy Enrico, Member